



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/390,946	09/07/1999	RON LAKE	003736.P001	7848

7590 12/22/2003

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
12400 WILSHIRE BOULEVARD  
7TH FLOOR  
LOS ANGELES, CA 90025

EXAMINER

CORSARO, NICK

ART UNIT PAPER NUMBER

2684

5

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/390,946	LAKE ET AL.	
	<b>Examiner</b>	<b>Art-Unit</b>	
	Nick Corsaro	2684	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 1999.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION*****Specification***

1. The abstract of the disclosure is objected to because the abstract is too long. Correction is required. See MPEP § 608.01(b).
2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Wright et al. (6,442,598).

Consider claim 1, Consider claim 1, Wright teaches a method of distributing digital information (see abstract lines 1-2, col. 5 lines 22-35, and col. 9 lines 30-45). Wright teaches broadcasting a radio signal, said radio signal carrying at least one encoded hypermedia document

(see col. 5 lines 22-35, col. 5 lines 62-67, col. 5 lines 22-67, col. 6 lines 1-16, and col. 7 lines 8-67, where Wright is discussing broadcasting web pages in the form of hypermedia or other media, over a broadcast network to client computers). Wright teaches receiving said radio signal in a receiver unit (see col. 6 lines 4-16, and col. 11 lines 30-45). Wright teaches processing said radio signal to extract said encoded hypermedia document; and processing said encoded hypermedia document with a hypermedia processing program (see col. 7 lines 8-15, col. 5 lines 20-35, col. 11 lines 32-67, col. 12 lines 1-67 and col. 13 lines 1-26, where Wright discusses the client terminals receive broadcast packets with web pages, in hypertext form and unpack it for use on a internet browser).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al. (6,442,598) in view of Takahisa et al. (5,564,073).

Consider claim 3, Wright discloses a broadcast system for broadcasting hypertext material. Wright does not specifically disclose a listener credit. Takahisa teaches listener credit (see col. 12 lines 10-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Wright, and have a listener credit, as taught by Takahisa, thus allowing data associated with a broadcast to be transmitted, as discussed by Takashi (col. 1 lines 50-57).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wright in view of Takahisa as applied to claim 3 above, and further in view of Payne et al. (6,021,433).

Consider claim 4, Wright discloses the method and apparatus, as modified by Takashi above wherein a listener credit is given. Wright and Takashi do not specifically disclose said processing of said encoded hypermedia document results in connection to a related Internet address. Payne teaches processing of said encoded hypermedia document results in connection to a related Internet address (see col. 6 lines 27-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Wright and Takashi, and have processing of said encoded hypermedia document results in connection to a related Internet address, as taught by Payne, thus allowing the combination of broadcast and wire-line services to enhance broadcast services by allowing users immediate notifications of services, as discussed by Payne, (col. 2 lines 14-40).

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al. (6,442,598) in view of Logan et al. (6,088,455).

Consider claim 5, Wright discloses broadcasting hypermedia (see col. 5 lines 20-67). Wright does not specifically disclose recording for replay. Logan teaches recording for replay (see col. 7 lines 12-55, col. 8 lines 12-35, and col. 2 lines 22-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Wright, and record for replay, as taught by Logan, thus allowing editing of radio broadcast signals for providing personalized programs, as discussed by Logan (col. 2 lines 9-20).

7. Claims 6, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al. (6,442,598) in view of Payne et al. (6,021,433).

Consider claims 6, 7, and 10, Wright discloses the system wherein a database of the hypertext are stored with alerts (see Wright, col. 11 lines 31-67). Wright does not specifically disclose the storing of particular URL for direct connections based on user particular ID based on notifiers. Payne teaches the storing of particular URL for direct connections based on user particular ID based on notifiers (see col. 6 lines 5-60, col. 13 lines 50-67, and col. 8 lines 15-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Wright, and have storing of particular URL for direct connections based on notifiers, as taught by Payne, thus allowing the combination of broadcast and wire-line services to enhance broadcast services by allowing users immediate notifications of services, as discussed by Payne, (col. 2 lines 14-40).

8. Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Payne et al. (6,021,433) in view of Graham et al. (5,572,201).

Consider claim 2, Payne discloses an interactive radio reception system that imparts interactive push data functionality to a general-purpose computer (see abstract lines 1-2, col. 2 lines 41-65, and col. 5 lines 20-35). Payne discloses the general-purpose computer including a processor, display, and storage and Internet connection (see col. 5 lines 61, col. 6 lines 28-60, and col. 7 lines 1-56, where Payne discusses that once the broadcast URL is received the user can click on the URL and be connected to the Internet via wire line). Payne discloses a web radio broadcast receiver that is configured to communicate with the general purpose computer and decode digital subcarrier data formatted as a broadcast markup language (see col. 7 lines 4-67, col. 8 lines 1-36, col. 12 lines 22-52, col. 13 lines 52-65, and col. 24 lines 33-67 where Payne is discussing a computer with a radio receiver, to receiver radio waves that could be FM

subcarriers, carrying information, the information being internet URL's, email or other, therefore, a Web broadcast receiver receiving a broadcasted markup language). Payne discloses application software that runs; on the processor of the computer and communicates with the web radio receiver to control the operation of the receiver and respond to said broadcast markup language commands to enable interactive functions through data exchange with said internet connection (see col. 5 lines 20-61, col. 6 lines 5-60, col. 7 lines 4-56). Payne discloses an interactive radio broadcast: station including a sub-carrier encoder, RF transmitter; and authoring software to format and sequence interactive broadcast markup language commands inserted in the digital sub-carrier to provide an interactive simulcast of related broadcast audio and audience related functions (see col. 9 lines 4-15, col. 5 lines 19-61, col. 6 lines 5-55, col. 7 lines 4-56, col. 8 lines 15-50, col. 11 lines 50-67 and col. 12 lines 5-67).

Payne discloses using FM sub-carriers to send the information, where it is common in the industry to use FM sub-carriers with the FM analog broadcasting to send digital data (col. 9 lines 3-15), however, Payne does not specifically disclose the digital sub-carrier mixed with analog audio. Graham teaches the digital sub-carrier mixed with analog audio (see col. 6 lines 45-60, and col. 17 lines 15-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Payne, and have the digital sub-carrier mixed with analog audio, as taught by Graham, thus allowing auxiliary information to be sent with the normal radio broadcast, as discussed by Graham (col. 1 lines 10-43).

Consider claim 9, Payne does not specifically disclose the receiver is separable from the general-purpose computer. Official notice is taken that having a receiver separable

from a general-purpose computer is well known and expected in the art to allow modifications and add-ons to be made to personal computers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Payne, and have the receiver separable from a general-purpose computer thus allowing any general-purpose computer to be retrofitted with a wireless receiver.

9. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Payne in view of Graham as applied to claim 2 above, and further in view of Weinstein et al. (6,604,242).

Consider claim 8, Payne discloses a broadcast markup language (see col. 12 lines 33-52). Payne and Graham do not specifically disclose the language is formatted in the XML standard. Weinstein teaches the language is formatted in the XML standard (see col. 1 lines 52-65 and col. 6 45-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Payne and Graham, and use XML, as taught by Weinstein, thus allowing the combination of interactive broadcasts and Web servers, as discussed by Weinstein (col. 1 lines 22-67).

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Payne in view of Graham as applied to claim 2 above, and further in view of Wright et al. (6,442,598).

Consider claim 11, Payne and Graham discloses the system and method as discussed above wherein URL's are broadcast for user interactive broadcasting. Payne and Graham do not specifically disclose selecting of the Web cast groups as said audience related functions related to audience specific communications. Wright teaches selecting of the Web cast groups as said audience related functions related to audience specific communications (see col. 11 lines 17-67, col. 12 lines 1-55,). It would have been obvious to one of ordinary skill in the art at the time the



Art Unit: 2684

invention was made to modify the invention of Payne and Graham, and selecting of the Web cast groups as said audience related functions related to audience specific communication, as taught by Wright, thus allowing the delivery of Web services and Broadcast services via broadcast medium, as discussed by Wright (col. 4 lines 5-12).

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(6,081,907) Witty discloses Broadcast data delivery.

12. Any inquiry concerning this communication should be directed to Nick Corsaro at telephone number (703) 306-5616.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth, Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 customer Service Office whose telephone number is (703) 306-0377.

Art Unit: 2684

Nick Corsaro

A handwritten signature in black ink that reads "Nick Corsaro". The signature is written in a cursive style with a large, stylized "N" and a long horizontal stroke at the end.